

Barbara Moses
Admitted Pro Hac Vice
Sarah Turk
Legal Intern, D.N.J.L. Civ. R. 101.1(h)
Jennifer Vasquez
Legal Intern, D.N.J.L. Civ. R. 101.1(h)
SETON HALL UNIVERSITY
SCHOOL OF LAW
CENTER FOR SOCIAL JUSTICE
833 McCarter Highway
Newark, New Jersey 07102
(973) 642-8700

Lawrence S. Lustberg
Jonathan M. Manes
Admission to D.N.J. Pending
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102
(973) 596-4500

Attorneys for Plaintiffs

Jeffrey S. Chiesa
Attorney General of New Jersey
Susan J. Dougherty
Deputy Attorney General
David L. DaCosta
Deputy Attorney General
NEW JERSEY DIVISION OF LAW
R.J. Hughes Justice Complex
25 Market Street, 8th Floor
P.O. Box 112
Trenton, NJ 08625
(609) 341-3689

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RAYMOND ALVES, et al.,

Plaintiffs,

v.

MERILL MAIN, Ph.D., et al.,

Defendants.

ORAL ARGUMENT REQUESTED
Motion Day: September 25, 2012

No. 01 Civ. 0789 (DMC) (MF)
(Consolidated)

NOTICE OF MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs, by and through the undersigned Class Counsel, and Defendants, by and through their undersigned counsel of record, will and they hereby do jointly move this Court, before the Honorable Dennis M. Cavanaugh, in Courtroom 4

of the U.S.P.O. & Courthouse Building, Newark, New Jersey, on the 25th day of September, 2012, or as soon thereafter as the matter may be heard, for an **ORDER** pursuant to Rule 23 of the Federal Rules of Civil Procedure:

- (1) Approving the settlement (“Settlement”) entered into by the Plaintiffs and the Defendants (collectively the “Parties”) and memorialized in their February 3, 2012 Settlement Agreement, as modified by the July 19, 2012 Settlement Agreement Addendum (collectively the “Agreement”), as fair, reasonable and adequate;
- (2) Appointing an independent Monitor, in accordance with the Agreement, to oversee Defendants’ compliance with its terms;
- (3) Awarding the Center for Social Justice at Seton Hall University School of Law the sum of \$78,000 in attorneys’ fees as negotiated by the Parties; and
- (4) Conditionally dismissing this action, in accordance with the Agreement, with the case to remain on the Court’s inactive docket during the term of the Agreement.

In support of their joint motion, the Parties will rely upon the accompanying Memorandum of Law; the Declarations of Baher Azmy, David L. DaCosta, Merrill Main, Ph.D., and Barbara Moses, all of the pleadings and other documents on file in this action; all matters of which the Court may or must take judicial notice; and such argument as the Court may entertain.

Dated: July 20, 2012
Newark, New Jersey

Respectfully submitted,

**SETON HALL UNIVERSITY SCHOOL OF LAW
CENTER FOR SOCIAL JUSTICE**
833 McCarter Highway
Newark, New Jersey 07102
(973) 642-8700

and

GIBBONS P.C.

By: /s/ Lawrence S. Lustberg
Lawrence S. Lustberg
One Gateway Center
Newark, New Jersey 07102
(973) 596-4500

Attorneys for Plaintiffs

NEW JERSEY DIVISION OF LAW

By: /s/ David L. DaCosta
David L. DaCosta
R.J. Hughes Justice Complex
25 Market Street, 8th Floor
P.O. Box 112
Trenton, NJ 08625
(609) 341-3689

Attorneys for Defendants